

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Application of)	
)	
Pappas Telecasting of the Carolinas)	
(Assignor))	File No. BALCT-20010727ABS
)	Facility ID No. 70149
and)	
)	
Media General Broadcasting of South Carolina)	
Holdings, Inc.)	
(Assignee))	
)	
For Consent to the Assignment of the License for)	
Station WASV-TV, Asheville, North Carolina)	
)	
)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: October 18, 2002

Released: October 21, 2002

By the Chief, Media Bureau:

1. The Commission, by the Chief, Media Bureau, has before it a petition filed by the Meredith Corporation (Meredith) seeking reconsideration of a January 15, 2002, order of the Mass Media Bureau (Bureau Order). The Bureau Order granted consent to assign the license of WASV-TV, Channel 62 (UPN), Asheville, North Carolina, from Pappas Telecasting of the Carolinas (Pappas) to Media General Broadcasting of South Carolina Holdings, Inc. (Media General).¹

2. Media General is the licensee of WSPA-TV, Channel 7 (CBS), Spartanburg, South Carolina, and WNEG-TV, Channel 32 (CBS), Toccoa, Georgia, which is operated as a satellite of WSPA-TV. The local television ownership rule governs acquisition of WASV-TV since Media General would own two full-service stations (WASV-TV and WSPA-TV) in the same Nielsen Designated Market Area (DMA); the DMA contains fewer than 8 independently owned and operating television voices; and the Grade B signal contours of the commonly owned stations would overlap.² Under the Commission's local television ownership rule, an entity may own, operate or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research) if: 1) the Grade B contours of the stations do not overlap; or 2) if at least one of the stations is not ranked among the top four stations in the DMA in terms of audience share and eight or more independently owned and operating commercial

¹ Meredith, licensee of WHNS(TV), Asheville, North Carolina, requests that the full Commission review the petition since it allegedly raises "new and novel issues" under our multiple ownership rules. Petition for Reconsideration, page 7, n.16. We find that staff review is appropriate since the arguments raised do not present any "new or novel issues" under the Commission's multiple ownership rules.

² 47 C.F.R. § 73.3555(b).

and noncommercial television stations will be licensed in the DMA post-merger. In granting the application, the staff, based on Media General's showing, granted a waiver of the local television ownership rule pursuant to the "failing station" waiver standard.³

3. The WASV-TV assignment was unopposed, and Meredith did not file its petition until 10 days after release of the Bureau Order granting that application. Section 405 of the Communications Act of 1934, as amended, and Section 1.106 of the Commission's rules, state that any party to a Commission decision, or any other person aggrieved or whose interests are adversely affected may petition for reconsideration.⁴ To qualify as a party, a petitioner for reconsideration must have filed a valid petition to deny the application; or if the petition is filed by someone who is not a "party to the proceeding, it shall state with particularity the manner in which the person's interests are adversely affected by the action taken, and shall show good reason why it [was] not possible for him to participate in the earlier stages of the proceeding."⁵ Since Meredith did not file a petition to deny the assignment application, it was not a "party to the proceeding" within the meaning of Section 405 of the Communications Act and Section 1.106 of the Commission's rules. Meredith's petition contains no showing attempting to demonstrate that grant of the assignment application adversely affected its interests, or that it was not possible to participate at an earlier stage in the proceeding. Accordingly, we conclude that Meredith does not have standing to file a petition for reconsideration.

4. Notwithstanding the lack of standing, we also conclude that Meredith's basic claim – that the staff misapplied the duopoly rule in this case – is without merit and fails to establish that reconsideration on our own motion is warranted. Meredith argues that the Bureau Order erred in not discussing Media General's ownership of WNEG-TV, Toccoa, Georgia, a same-market satellite of WSPA-TV, when analyzing the request for waiver of the local television ownership rule in the (Greenville-Spartanburg, SC) – (Asheville, NC) – (Anderson, SC) market. Meredith claims that Commission rules do not permit common ownership of two full-service television stations and a satellite television station in the same market. WNEG-TV, argues Meredith, does not qualify for satellite status in any event.

5. Media General's common ownership of WNEG-TV, WASV-TV, and WSPA-TV does not violate the Commission's local television ownership rules or policies. Satellites are excepted from the numerical ownership restrictions of the local television ownership rule under Note 5 to Section 73.3555 of the Commission's Rules.⁶ Because Media General was already the licensee of WNEG-TV, it did not need to file a showing justifying continued satellite status as part of this transaction.⁷ Further, the staff most recently authorized continued satellite status for WNEG-TV on March 22, 2000,⁸ finding that WNEG-TV met the criteria for a presumptive satellite exception to the local television ownership rule.⁹ In the *Television Ownership Order*, the Commission specifically concluded that the criteria used to evaluate satellite operations "ensure that satellite operations are consistent with our goals of promoting diversity and

³ 47 C.F.R. § 73.3555 n.7; *Review of the Commission's Regulations Governing Broadcasting ("Television Ownership Order")*, 14 FCC Rcd 12903, 12939 (1999), *recon. granted in part, Memorandum Opinion and Second Order on Reconsideration*, 16 FCC Rcd 1067 (2001).

⁴ 47 U.S.C. § 405. *See also*, 47 C.F.R. § 1.106.

⁵ 47 C.F.R. § 1.106(b)(1); *University of Southern California (KUSC(FM))*, 11 FCC Rcd 7239 (1996); *Gulfcoast Broadcasting, Inc. (WWMK-FM)*, 8 FCC Rcd 483 (1993); and *Committee for Community Access v. FCC*, 737 F.2d 74 (D. C. Cir. 1984).

⁶ 47 C.F.R. § 73.3555 n.5.

⁷ *Compare Midwest Communications, Inc.*, 7 FCC Rcd 159, 161 (1991).

⁸ *See* Letter to John R. Feore, Esq. and Nina Shafran, Esq. from Barbara A. Kreisman, Chief, Video Services Division (Mar. 22, 2000).

⁹ *See Television Satellite Stations*, 6 FCC Rcd 4212, 4215 (1991).

competition.”¹⁰ While Meredith objects to WNEG-TV’s local presence and different programming schedule, we note that the majority of WNEG-TV’s programming duplicates that of WSPA-TV. The Commission’s satellite policy permits, and even encourages, such operations by a satellite. In view of the foregoing, the staff did not err in excluding satellite station WNEG-TV from its discussion of Media General’s waiver showing.

6. Accordingly, IT IS ORDERED, That the Petition for Reconsideration filed by the Meredith Corporation IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau

¹⁰ *Television Ownership Order*, 14 FCC Rcd at 12943.